The Library of Congress'

EARLY STATE RECORDS PROJECT

converted from the original microfilm held by the
Vincent C. Immel Law Library, Saint Louis University

through the generous support of a grant from the

Council on Library and Information Resources

STATE OF NEBRASKA.

REPORT

OF THE

STATE LIBRARIAN,

For the Years 1873 and 1874.

LINCOLN:
JOURNAL COMPANY, STATE PRINTERS
1874.

REPORT.

LINCOLN, NEBRASKA,
December 20, 1874.

To His Excellency, Robert W. Furnas, Governor of Nebraska:

In compliance with the provisions of Section eight of Chapter seventy-five of the General Statutes of Nebraska, I have the honor to submit the following report of the condition of the State Library, embracing the years A.D. 1873 and 1874:

LAW DIVISION.

Of this division of the Library there were on the first day of January, A.D. 1873, including Law Reports, Journals and Documents of Nebraska and the several States and Territories	10,125	vols.
Received by purchase per Exhibit "B"	299	"
Donations from the United States and the several States and Territories	875	"
Exchanges for other books	46	"
Supreme Court Reports, Statutes, Journals and Documents of Nebraska	2,355	"
Total	13,700	vols.
Reports, Journals, Statutes and Documents sent to other States, Territories and public libraries	420	"
Books exchanged	80	"
Distributed to state officers	37	"
Sold (reports and duplicate books)	30	"
	567	vols.
Number of volumes on hand	13,133	

MISCELLANEOUS DIVISION.

Of this there were on the first day of January, 1873	356 vols.
Donations	63 "
Received in exchange for other books	25 "
Received by purchase, Exhibit "C"	70 "
Total	514 vols.

RECAPITULATION.

Law Division, volumes in Library	13,133
Miscellaneous Division, volumes in Library	514
Total	13,647

GENERAL REMARKS.

In the above statement, I have classified under the Law Division, not only the books of reports, statutes, etc., which are in common and daily use, but also all the statutes, laws, reports, public documents, etc., which are being constantly received from other states and from the general government at Washington.

The present law regulating the State Library, whereby the Secretary of State has been the Librarian of the Miscellaneous Division, and the Clerk of the Supreme Court Librarian of the Law Division, has been practically inoperative. No provision has been made by law for any additional room or shelving in which the miscellaneous books could be placed, and the undersigned has been in charge of the entire library, attending to the duties of both divisions, ever since the act went into effect. These duties require the constant attendance of the Librarian, and during sessions of court and sittings of the legislature, assistance is needed. It was undoubtedly the intention of the act to have two separate and distinct departments of the library, and that both should be increased and fostered by legislative aid. But so far, the need of a good law library, attached as it is to the Supreme Court, and being under direction of its judges, has been so great, that the legislature has extended its aid thereto, and ignored not only the miscel-

laneous department, but at its last session, struck out from the general appropriation bill the grant of salary to the Librarian of the miscellaneous division. If the legislature think it best that the present law remain in force, I would respectfully suggest that they make provision for keeping the miscellaneous department in a separate room, fitted up for that purpose. However, no provision of this kind is made, it would certainly seem best for the legislature to provide for one officially as State Librarian, granting him fair compensation for the labor performed and time spent in the care and custody of the books owned by the state. Should this plan be adopted, I would suggest the temporary transfer of the miscellaneous works to the library of the State University, where it can be of some advantage to the students there, until such time as the legislature sees fit to purchase an ample library of that class of books, and provide for room in which to place them at the State Capitol.

An appropriation of $1,500 for the purchase of law books, made in 1873, has been expended under direction of the Board of Directors, for the purchase of books shown in Exhibit "B."

No appropriation has been placed in my hands for miscellaneous books, but some have been purchased out of the incidental fund, as shown in Exhibit "A," and set forth specifically in Exhibit "C."

The funds placed at the disposal of the Librarian during the past two years, and reciepts from sale of duplicate books and Supreme Court Reports, and expenditures for various purposes are specifically set forth in Exhibit "A." Of the amount thus received there remains in my hands a balance of $16.50.

An appropriation for the purchase of law books, and for the incidental expenses of the coming two years is needed. I would also suggest an appropriation for newspapers and periodicals during the same time.

There are now in the library complete sets of the reports of all the states except Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, and West Virginia. There are scarcely any of the United States Circuit Court Reports, but few English, and none of Scotch and Irish. Two or three thousand dollars ought to be placed at the librarian's disposal to

aid in completing sets of the states above named. Many of the volumes needed are out of print and can only be occasionally purchased through the agency of publishers dealing in law books.

LEGISLATIVE AND EXECUTIVE DOCUMENTS.

If the state desires to increase its library by donations from other states, it is of the greatest importance that it be liberal in sending documents of all kinds in exchange therefor. There has been no lack of printing such volumes, but the legislature has neglected to provide for the deposit of the proper number with the State Librarian for distribution to public libraries throughout the United States. The usual practice has been for each House to order a number of copies of the various reports, which are distributed by its members, none being sent to the State Library. The matter should be remedied by requiring the Public Printer to deliver 100 copies of all reports printed by him to the State Librarian.

DISTRIBUTION OF REPORTS AND LAWS.

Copies of the Supreme Court Reports, General Statutes and Journals of 1873, which have been deposited in the State Library, have been distributed among the different states and territories, as provided by law. Copies have also been sent to various public libraries in the cities of New York, Boston, Chicago, etc. Exchanges of reports have been made with law publishers, and further exchanges can be made if the legislature so direct. If the present law concerning these reports could be amended so as to authorize such exchanges, as well as the use of the funds arising from their sale, by the purchase of other books, no further appropriation would be needed for that purpose. The volumes of these reports now on hand are set forth in Exhibit "D."

EXCHANGES FROM OTHER STATES.

Nearly all of the law reports and documents of the different states have been received. Owing to their number, I have not attached a specific exhibit of their titles. Acknowledgments of their receipt have been duly made by mail.

A catalogue of the library was published in 1871. Three or four thousand volumes of all kinds have since been added. Owing to the crowded condition of the library room, many of these books are stored in the armory and Supreme Court room. It is nearly impossible for the Librarian to keep a correct account of all these, and the several topics to which they refer, without the aid of a full and complete catalogue. Such a catalogue is now in course of preparation, the publication of which it is hoped, will be authorized by the legislature.

UNSAFE CONDITION OF LIBRARY.

I would also call your attention to the unsafe condition of the floor in the library room. The great weight of books placed on the alcoves in the center have caused the floor to sink some two or three inches. Stone piers should be made and placed in the cellar under the floor. I respectfully suggest an appropriation for that purpose.

Very respectfully, your obedient servant,

GUY A. BROWN,
Librarian Law Library.

EXHIBIT "A."

Statement of Receipts from all sources, and Expenditures during the years 1873 *and* 1874.

Received from State Auditor for incidental expenses law library.....	$ 942 65
Received from State Auditor for purchase of law books.....	1489 45
Received from sales of Supreme Court Reports and duplicate books and pamphlets.....	145 53
Total	$ 2577 63

Expended as follows:

Law books, (Exhibit "B")	$ 1489 45
Miscellaneous books, (Exhibit "C").....	208 00
Henry A. Koenig, State Treasurer on sales of Nebraska Reports.....	100 00
One clock	18 00
Shelving, A. D. Gregg.....	20 20

Stove, M. Rogers & Co	$ 65 00
Ice, 1873	3 75
Ice, 1874	11 35
Binding old books, State Journal Co	39 88
Pipe and elbows for stove	13 70
Spittoons and waste basket	6 00
Putting up and taking down stove	1 00
Stationery, Mills & Co	26 00
" Leighton & Brown	49 63
" paper and twine for packing	6 75
Removing books to Armory	12 00
Sign and card labels	7 00
One stand	5 00
Step ladder	5 85
Repairing door and shelves	1 00
Cleaning room	5 20
Services of an assistant	100 00
Express and freight charges and postage on books and packages received from and sent to the several states and territories for the year 1873	210 37
Ditto for the year 1874	156 00
Total	$ 2561 13
Balance due the State	16 50
	$ 2577 63

EXHIBIT "B."

Law Books received by Purchase.

ABBOT, BENJAMIN VAUGHAN, AND AUSTIN. National Digest New York, 1871. 5 vols.

ALBANY LAW JOURNAL. A Weekly Record of the Law and the Lawyers. Albany, 1874. 2 vols. in weekly numbers.

AMERICAN LEADING CASES, with notes by J. I. Clark Hare, and H. B. Wallace. Fifth edition. Philadelphia, 1871. 2 vols.

ANGELL, JOSEPH K. A Treatise on the Law of Carriers, etc., fourth edition, by John Lathrop of the Boston Bar. Boston, 1868. 1 vol.

ANGELL, JOSEPH K., AND THOMAS DURFEE. A Treatise on the Law of Highways. Second edition with notes by George F. Choate. Boston, 1868. 1 vol.

ANGELL, JOSEPH K. A Treatise on The Limitation of Actions. Fifth edition by John Wilder May. Boston, 1869. 1 vol.

ARKANSAS REPORTS. Volumes 14, 17, and 20. 3 vols.

BARBOUR, OLIVER L. Reports of Cases determined in the Supreme Court of New York, 1847–73. 57 vols.

BIGELOW, MELVILLE M. A Treatise on the Law of Estoppel. Boston, 1872. 1 Vol.

BINGHAM, ANSON. A Treatise on the Law of Descent. Albany, 1870. 1 vol.

BINGHAM, ANSON. The Law of Executory Contracts for the Sale of Real Property. Albany, 1872. 1 vol.

BINNEY, HORACE. Reports of Cases adjudged in the Supreme Court of Pennsylvania, 1799–1813. Philadelphia, 1809–13. Vols. 1, 3, 4, and 5. 4 vols.

BISHOP, JOEL PRENTISS. Commentary on the Law of Statutory Crimes. Boston, 1873. 1 vol.

BLACKWELL, ROBERT S. A Practical Treatise on the Power to Sell Lands for the Non-payment of Taxes. Boston, 1869. 1 vol.

BLISS, JR, GEORGE. The Law of Life Insurance. New York, 1872. 1 vol.

BRIGHTLEY, FREDERICK C. A Digest of the Decisions of the Federal Courts, from the organization of the government to the present time. Philadelphia, 1868–70. 2 vols.

BROOM, HERBERT, M. A. A Selection of Legal Maxims, classified and illustrated. Sixth American edition. Philadelphia, 1868. 1 Vol.

BURRILL, ALEXANDER M. A Treatise on the Nature, Principles, and Rules of Circumstantial Evidence. New York, 1868. 1 vol.

CALIFORNIA DIGEST by Charles H. Parker. San Francisco, 1869. 3 vols.

CALIFORNIA REPORTS. Volumes 1, 2, 12, 14, 18, 22, 23, 24, 41, 42, 44. 11 Vols.

CENTRAL LAW JOURNAL. Monthly law paper. Saint Louis, 1873. 1 vol.

CONNECTICUT DIGEST of all Reported Cases in the Supreme Court of Errors and the Superior Court. By Simeon E. Baldwin. Boston, 1871. 1 vol.

CUSHING, LUTHER STEARNS. Elements of the Law and Practice of Legislative Assemblies in the United States of America. Second edition. Boston, 1866. 1 vol.

DILLON, JOHN F. Cases Determined in the United States Circuit Courts for the Eighth Circuit. Davenport, 1871–73. 2 vols.

DILLON, JOHN F. LL.D. Treatise on the Law of Municipal Corporations. Chicago, 1872. 1 vol.

DRAKE, CHARLES D., LL.D. A Treatise on the Law of Suits by Attachment in the United States. Fourth Edition. Boston, 1873. 1 vol.

DWARRIS, SIR FORTUNATUS, Knt., B.A., etc. A General Treatise on Statutes, with American Notes by Platt Potter, LL.D. Albany, 1871. 1 vol.

EAST, EDWARD HYDE. Reports of Cases Argued and Determined in the Court of King's Bench. 1800–1812. London, 1801–1814. 16 vols.

EDWARDS, CHARLES. The Law and Practice of Referees. Albany, 1860. 1 vol.

ENGLISH CHANCERY REPORTS. American Edition. Volumes 44 to 69 inclusive. 26 Vols.

FEDERALIST, THE. A Commentary on the Constitution of the United States, by Alexander Hamilton, Jay, and Madison. Edited by John C. Hamilton. Philadelphia, 1866. 1 vol.

FLANDERS, HENRY. A Treatise on the Law of Fire Insurance. Philadelphia, 1871. 1 vol.

FREEMAN, A. C. A Treatise on the Law of Judgments. San Francisco, 1873. 1 vol.

FRY, EDWARD. A Treatise on the Specfic Performance of Contracts. Second American edition, by William S. Schuyler. Albany, 1871. 1 vol.

GEORGIA REPORTS, Volumes 12, 15, and 30. 3 vols.

HALSTED, GEORGE B. Reports of Cases Determined in the Court of Chancery in the State of New Jersey, 1846–47. Vol. 2. Newark, 1851. 1 vol.

HARRIS, JR., THOMAS, AND JOHN M. HENRY. Maryland Reports from the Year 1700 to the American Revolution, and to the end of 1799. New York and Annapolis, 1809–18. 4 Vols.

HIGH, JAMES L. A Treatise on the Law of Injunctions. Chicago, 1872. 1 vol.

HILL, JOHN WARD, LL.B. A Manual of the Law of Fixtures. Second edition. New York, 1871. 1 vol.

HILLIARD, FRANCIS. The Law of Torts or Private Wrongs. Third edition. Boston, 1866. 1 vol.

2. The Law of New Trials. Second edition. Philadelphia, 1872. 1 vol.
3. The Law of Mortgages of Real and Personal Property. Fourth edition. Boston, 1872. 2 vols.

HOWARD, JR., NATHAN. Practice Reports in the Supreme Court and Court of Appeals of the State of New York. 1844 to 1872. 43 vols.

ILLINOIS REPORTS. Volumes 1, 2, and 4, by J. Young Scammon. 1832 to 1843. 3 vols.

JEFFERSON, THOMAS. Manual of Parliamentary Practice. 1 vol.

KENTUCKY DIGEST, by Martin H. Cofer. Cincinnati, 1867. 1 vol.

LOUISIANA DIGEST, by William D. Hennen. Riverside, Cambridge, 1861. 2 vols.

MICHIGAN DIGEST, by Edgar A. Cooley. Chicago, 1872. 1 vol.

MINNESOTA DIGEST, by Jasper N. Searles. Chicago, 1872. 1 vol.

MORSE, JOHN T. A Treatise on the Law relating to Banks and Banking. Boston, 1870. 1 vol.

MOSES, HALSEY H. The Law of Mandamus. Albany, 1872. 1 vol.

NEW JERSEY LAW REPORTS. Volume 29, by Andrew Dutcher. Vol. V. 1 vol.

NEW YORK COMMON PLEAS REPORTS. Five volumes by E. D. Smith, and five by Daly. 10 vols.

OHIO STATE REPORTS, vol. 20 by Leander J. Critchfield. Cincinnati, 1873. 1 vol.

OHIO CODE OF CIVIL PROCEDURE, Seney. Cincinnati, 1874. 1 vol.

OHIO DIGEST, by Gholson and Okey. Cincinnati, 1870. 1 vol.

PARKER, AMASA J. Reports of Decisions in Criminal Cases in New York. Vols. 3, 4, and 5. 3 vols.

PARKER, THEOPHILUS, LL.D. The Elements of Mercantile Law. Second Edition. Boston, 1862. 1 vol.

PASCHALL, GEORGE W. The Constitution of the United States Defined and carefully Annotated. Washington, 1868. 1 vol.

PERRY, JARIUS WARE. A Treatise on the Law of Trusts and Trustees. Boston, 1872. 1 vol.

PHILLIPS, P. The Statutory Jurisdiction and Practice of the Supreme Court of the United States. Second edition. Washington, 1872. 1 vol.

RAWLE, WILLIAM HENRY. A Practical Treatise of the Law of Covenants for Title. Fourth edition. Boston, 1873. 1 vol.

REDFIELD, ISAAC F., L.L.D. Leading American Railway Cases. Boston, 1872. 2 vols.
2. The Law of Wills. Third edition. Bostor, 1869. 3 vols.

RORER, —. A Treatise on the Law of Judicial Sales. Chicago, 1873. 1 vol.

SCRIBNER, C. H. The Law of Dower. Philadelphia, 1869. 2 vols.

SHEARMAN, THOMAS G., AND AMASA A. REDFIELD. A Treatise on the Law of Negligence. New York, 1870. 1 vol.

STARKIE, THOMAS. A Practical Treatise of The Law of Evidence. Ninth edition, with notes. Philadelphia, 1869. 1 vol.

STORY, JOSEPH, LL. D. Commentaries on the Law of Agency. Seventh edition, with notes. Boston, 1869. 1 vol.
2. Commentaries on the Law of Promissory Notes. Sixth edition. Boston, 1868. 1 vol.

SUGDEN, THE RIGHT HON. SIR EDWARD. A practical Treatise on the Law of Powers. Third American Edition. Philadelphia, 1856. 2 vols.

SWAN, JOSEPH R. A Treatise on the Powers and Duties of Justices of the Peace. Ninth edition. Cincinnati, 1871. 1 vol.

TAYLOR, JOHN L. A Treatise on the American Law of Landlord and Tenant. Sixth edition. Boston, 1873. 1 vol.

TOWNSHEND, JOHN. A Treatise on the Wrongs called Slander and Libel. Second edition. New York, 1872. 1 vol.

TYLER, RANSOM H. A Treatise on the Law of Infancy. Albany, 1871. 1 vol.
2. A Treatise on the Law of Usury. Albany, 1873. 1 vol.
3. A Treatise on the Remedy by Ejectment and the Law of Adverse Enjoyment. Albany, 1871. 1 vol.

UNITED STATES DIGEST. New series. Vols. 2, 3, and 4. 3 vols.

VAN SANTVORD, GEORGE. A Treatise on the Principles of Pleading in Civil Actions under the New York Code of Procedure. Second edition. Albany, 1855. 2 vols.

VAITEL, MONSIEUR DE. The Law of Nations. New edition of Joseph Chitty, with notes by Ingraham. Philadelphia, 1870. 1 vol.

VERMONT DIGEST, by Peter L. Washburn. Woodstock, 1845. 2 vols.

WALLACE, JOHN WILLIAM. Cases in the Supreme Court of the United States from December Term 1871, to October Term 1873. Vols. 13 to 18. 6 vols.

WASHBURN, EMORY, LL.D. A Treatise on the American Law of Real Property. Third edition. Boston, 1868. 3 vols.

WATERMAN, THOMAS W. A Treatise on the Law of Set-off, etc. Second edition. New York, 1872. 1 vol.

WHARTON, FRANCIS. A Treatise on the Criminal Law of the United States. Sixth edition. Philadelphia, 1868. 3 vols.

2. Precedents of Indictment and Pleas. Third edition. Philadelphia, 1871. 3 vols.
3. A Treatise on The Conflict of Laws. Philadelphia, 1872. 1 vol.

WILLIAMS, JOSHUA. Principles of the Law of Personal Property. Fourth American edition, with notes. Philadelphia, 1872. 1 vol.

WISCONSIN DIGEST, by James Simmons. Albany, 1868. 1 vol.

ZABRISKIE, JAMES C. The Public Land Laws of the United States. San Francisco, 1870. 1 vol.

Total.....299 vols.

EXHIBIT "C."

Miscellaneous Books Received by Purchase.

AMES, MARY CLEMMER. Ten Years in Washington. Life and Scenes in the National Capital, as a Woman Sees them. Hartford, Chicago, and San Francisco, 1874. 1 vol.

BOWLES, SAMUEL G. Our New West. Springfield, 1872. 1 vol.

CAMPBELL, LORD. Lives of the Chief Justices of England. New York and St. Louis, 1874. 4 vols.

CHAMBERS, W. & R. Encyclopedia. Philadelphia and Edinburg, 1873. 10 vols.

DORE, GUSTAVE. The Dore Gallery, Containing 250 Beautiful Engravings, Selected from Milton, Dante's Infernio, Atala, Baron Munchausen, etc. New York, 1873, 1874. 25 vols.

GREELEY, HORACE. The American Conflict. A History of the Great Rebellion in the United States of America, 1860–64. Hartford and Chicago, 1865. 2 vols.

GOLDSMITH, OLIVER. A History of the Earth and Animated Nature. Philadelphia, 1855. 2 vols.

GOOD, JOHN MASON. The Book of Nature. New York, 1836. 1 vol.

KANE, ELISHA KENT, M.D., U. S. N. Arctic Explorations in the Years 1853–54–55. Philadelphia, 1856. 2 vols.

MODERN EUROPE. The History of, by Russell & Jones. New York, 1834. 2 vols.

PICTURESQUE AMERICA, or the Land we Live In. D. Appleton & Co., Publishers. New York, 1872. 12 vols.

ROBERTSON, WILLIAM, D.D. The History of the Reign of the Emperor Charles V. New York, 1840. 1 vol.

ROLLIN, CHARLES. The Ancient History of the Egyptians, Carthagenians, Assyrians, Babylonians, Medes and Persians, etc. Philadelphia, 1857. 4 vols.

SEWARD, WILLIAM H. Travels Around the World. New York, 1873. 1 vol.

STANLEY, HENRY M. How I Found Livingstone. Travels, Adventures and Discoveries in Central Africa. New York, 1872. 1 vol.

THE SPECTATOR. By Joseph Addison and others. Cincinnati, 1856. 1 vol.

Total.....70 vols.

EXHIBIT "D."

Nebraska Reports, Vol. I., on hand, as per catalogue and report of 1871.	890 vols.		
Vol. II. Received of J. B. Weston, Auditor	1,000 "		
III. " " "	7,000 "		
Total	2,890 vols.		
Vol. I. Exchanged for other books	70		
Sold	20		
Distributed to State officers	10		
Sent to public libraries	10		
		—	110
Vol. II. Exchanged for other books	10		
Distributed to State officers	13		
Sent to State and public libraries	60		
		—	83
Vol. III. Distributed to State officers	14		
Sent to State and public libraies	60		
		—	74
			267
On hand—Vol. I.	780		
" II.	917		
" III.	926		
		—	2623